

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

HECTOR MAURICIO SOC GAMBOA

(b) County of Residence of First Listed Plaintiff Montgomery Co., MD
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Kevin S. Riechelson, Esq., Kamensky, Cohen & Riechelson, 194 South Broad St., Trenton, NJ 08608

DEFENDANTS

JONATHAN BING, JR., RIDERS WORTH INTERNATIONAL, and John Does I-V and John Does VI-X

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input checked="" type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332(a)(1)

Brief description of cause:

Motor Vehicle

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 10,000
of arbitration limits

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/14/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Jersey



HECTOR MAURICIO SOC GAMBOA

Plaintiff

v.

JONATHAN BING, JR., RIDERS WORTH
INTERNATIONAL, John Does I-V, JOHN DOES VI-X

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* JONATHAN BING, JR.
602 Riverside Avenue
Trenton, New Jersey 08618

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kevin S. Riechelson, Esq.
Kamensky, Cohen & Riechelson
194 South Broad Street
Trenton, New Jersey 08618
(609) 394-8585

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Jersey



HECTOR MAURICIO SOC GAMBOA

Plaintiff

v.

JONATHAN BING, JR., RIDERS WORTH
INTERNATIONAL, John Does I-V, JOHN DOES VI-X

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Riders Worth International
1362 Edgehill Road
Darby, PA 19023

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kevin S. Riechelson, Esq.
Kamensky, Cohen & Riechelson
194 South Broad Street
Trenton, New Jersye 08618
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If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

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 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

HECTOR MAURICIO SOC GAMBOA Plaintiff, vs. JONATHAN BING, JR., RIDERS WORTH INTERNATIONAL and John Does I-V and JOHN DOES VI-X Defendant,	CIVIL ACTION NO: JUDGE:
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COMPLAINT

THE PARTIES

1. Plaintiff, Hector Mauricio Soc Gamboa, is an adult individual, who at all times material hereto, lived at 611 Thayer Avenue, Silver Springs, Maryland.
2. Defendant, Jonathan Bing, Jr., is an adult individual, who at all times material hereto, lived at 602 Riverside Avenue, Trenton, New Jersey.
3. Defendant, Riders Worth International, is a company, corporation or other business entity, who at all times material hereto was located at 1362 Edgehill Road, Darby, PA 19023.
4. Defendants John Does I-V are adult individuals, whose identities are unknown, who are alleged to be the operators of a vehicle that was involved in the within accident and are believed to be citizens of either Pennsylvania or New Jersey.
5. Defendants John Does VI-XI are companies, corporations or other business entities, who at all times material hereto, are alleged to be the owners of a vehicle that was involved in the within accident and are believed to be citizens of either Pennsylvania or New Jersey.

FEDERAL JURISDICTION AND VENUE

6. Federal jurisdiction is based upon diversity of citizenship, 28 U.S.C. Section 1332(a)(1) in that the Plaintiff is a citizen of Maryland, and defendants are believed to be citizens of Pennsylvania and/or New Jersey.
7. Venue is based upon 28 U.S.C. Section 1391(d), as the accident that is the subject of plaintiffs' Complaint occurred within this judicial district.
8. The Plaintiffs' damages exceed the minimum jurisdictional amount required (\$75,000), and also exceed the arbitration limit (\$150,000), and a jury trial is demanded.

FACTS COMMON TO ALL DEFENDANTS

9. On or about November 20, 2017, the Plaintiff was operating his vehicle on East State Street, at or near the intersection with North Olden Avenue.
10. Upon information and belief, defendant, Jonathan Bing, Jr. was the operator of a vehicle traveling on East State Street near the intersection with North Olden Avenue.
11. Upon information and belief, defendant, Jonathan Bing was operating the vehicle as an employee, agent, servant or workman of defendant, Riders Worth International and/or John Does VI-X, and was acting within the course and scope of his employment at the time of said accident.
12. Upon information and belief, defendants, John Does I-V, were employees, agents, servants and workmen and/or the owners and/or drivers of the Hyundai Elantra that was caused in the accident involved hereon on November 20, 2017 and was operating the vehicle as an employee, agent, servant or workman of defendant, Riders Worth International and/or John Does VI-X, and was acting within the course and scope of his employment at the time of said accident.

13. On November 20, 2017, defendants, Jonathan Bing, Jr. and/or John Does I-V were operating a vehicle behind the vehicle operated by plaintiff, when suddenly and without warning, defendant struck the rear of plaintiff's vehicle. The impact caused plaintiff's vehicle to cross the roadway and end up on the other side.
14. After the accident, Jonathan Bing, Jr. and/or John Does I-V fled the scene of the accident, but was identified by police as the driver based on surveillance video of the accident scene.
15. As a result of the impact between defendant(s) vehicle to the rear end of plaintiff's vehicle, plaintiff was injured.
16. As a result of the accident, plaintiff was required to incur medical bills in excess of \$158,000, which medical bills exceed the amount of PIP coverage available to plaintiff and remain outstanding.
17. As a result of the accident, plaintiff was caused injury, substantial pain and suffering and loss of life's pleasures.

COUNT ONE – NEGLIGENCE- JONATHAN BING, JR. AND JOHN DOES I-V

18. Plaintiff repeats the allegations set forth in paragraphs 1 through 17 as if repeated herein at length.
19. The aforesaid motor vehicle collision was caused by the carelessness and negligence of the defendants in the following manner:
 - (a) operation of the Defendants' motor vehicle at a high and excessive rate of speed under the circumstances;
 - (b) failure to operate the vehicle safely;
 - (c) failure to have Defendants' motor vehicle under proper and adequate control under the circumstances;

- (d) failing to make a proper observation of vehicles in front of defendants' vehicle;
 - (e) failure to have due regard for the point and position of said motor vehicle containing the Plaintiff;
 - (f) violation of the statutes of the State of New Jersey and local ordinances;
 - (g) otherwise failing to exercise due care under the circumstances;
 - (h) such other acts of carelessness and negligence as will appear in the course of discovery to be conducted pursuant to the Federal Rules of Civil Procedure at the time of trial in this case;
20. As a result of the defendants' negligence and carelessness, plaintiff sustained injuries in and about his body and extremities, which injuries are or may be serious, severe and permanent as well as mental anguish; has been and may continue to be prevented from attending to Plaintiff's usual activities, duties, and occupations; and have incurred and may continue to incur various medical expenses in and about an effort to cure Plaintiff of the aforesaid injuries.
21. As a result of the defendants' negligence and carelessness, plaintiff has incurred out of pocket medical bills, co-pays and deductibles due to the injuries sustained and medical treatment required. Plaintiff also has outstanding medical bills in excess of \$158,000 related to this accident.

WHEREFORE, plaintiff demands judgment against the Defendants for compensatory damages in an amount in excess of the arbitration limits of this Court, together with interest and costs of suit.

**COUNT TWO – VICARIOUS LIABILITY – RIDERS WORTH INTERNATIONAL AND
JOHN DOES VI-X**

22. Plaintiff repeats the allegations set forth in paragraphs 1 through 21 as if repeated herein at length.
23. At the time of the accident involved herein, defendant, Jonathan Bing, Jr. and/r John Does VI-X, were employees, agents, servants, workmen operating the vehicle involved in this accident in the course and scope of his employment with defendants, Riders Worth International and/or John Does VI-X.
24. Jonathan Bing, Jr. was negligent in the operation of said vehicle while acting within the course and scope of his employment and/or agency.
25. Defendants, Riders Worth International and/or Joh Does VI-X, is/are vicariously liable for the negligent acts and/or omissions of their employee, agent servant or workman, Jonathan Bing, Jr. and/or John Does I-V.

WHEREFORE, plaintiff demands judgment against the Defendants for compensatory damages in an amount in excess of the arbitration limits of this Court, together with interest and costs of suit.

KAMENSKY ♦ COHEN & RIECHELSON
Attorneys for Plaintiff

By: 

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Trenton, NJ 08608
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kriechelson@kcrlawfirm.com
Attorneys for the Plaintiff

Dated: February 7, 2019